

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Bass

Title: SIGN AND METHOD FOR MARKETING GOODS AND SERVICES

Serial No.: 09/855,062

Filing Date: May 14, 2001

Patent No.: 6,853,979

Issue Date: February 8, 2005

Deposit Account No.: 16-0820

Customer No.: 000116

Docket: 32759US1

REQUEST TO CANCEL PRIOR LETTER REQUESTING REFUND
and PAYMENT OF REQUEST FOR CONTINUED EXAMINATION FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On November 29, 2004, applicant's undersigned attorney filed a Letter Requesting Refund in the above-referenced patent application. During a telephone conversation with Latrice in the Deposit Account Department (1-703-305-4632), the undersigned attorney's secretary, Linda Ibbett, was informed that the November 29, 2004 Letter Requesting Refund did not show up in Latrice's computer system and was apparently never received by the Patent Office and matched up with the above-referenced application. Our return receipt post card (copy enclosed) shows that the November 29, 2004 Letter was received by

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

John P. Murtaugh

Name of Attorney for Applicant(s)

Feb. 18, 2005
Date

John P. Murtaugh
Signature of Attorney

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the U.S. Patent Office on December 2, 2004, so perhaps the Letter has just not yet been received by the Deposit Account Department or matched up with this matter. A copy of this Letter without enclosures is being transmitted herewith for your information. A line has been placed through the enclosed copy of the Letter Requesting Refund, and a note reading "THIS LETTER REQUESTING REFUND IS BEING CANCELLED BY APPLICANT'S ATTORNEY" has been written thereon.

An explanation of the reason for cancelling this Letter Requesting Refund is as follows. The Letter Requesting Refund stated in part "...the PTO charged the \$770 large entity RCE fee to our deposit account instead of the \$385 small entity RCE fee." Applicant's undersigned attorney of record, who also signed the Letter Requesting Refund, has since discovered that the \$770 RCE fee had not been charged to our deposit account at the time the Letter was filed. The incorrect statement in the Letter stating the PTO charged the \$770 large entity RCE fee to our deposit account was made by mistake and was not intended to deceive. Accordingly, now that this information has been found to be incorrect, applicant's undersigned attorney is cancelling the Letter Requesting Refund.

Our review of the statements for our Deposit Account No. 16-0820 from June 2004 to present did not find any charges or credits for an RCE fee in the above-referenced application. Based on our review of these Deposit Account statements, the undersigned attorney believes that we still owe the U.S. Patent Office for the RCE fee in this application. Enclosed is our check in the amount of \$395 to cover the small entity RCE fee at the current fee rate. With the enclosed \$395 payment, applicant's undersigned attorney believes that the matter of the payment of the RCE fee due in this application has been concluded.

If any further fees are required by this communication, please charge such fees to our Deposit Account No. 16-0820, Order No. 37259US1.

Respectfully submitted,

PEARNE & GORDON LLP

By John P. Murtaugh
John P. Murtaugh, Reg. No. 34226

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: 2-18-05



Express Mail: _____ No. 25017
Inventor / Applicant: Michael A. Bass
Title: Sign and Method for Marketing Goods & Services
Serial No. 09/855,062 Patent No. _____ Date: _____
Filed: May 14, 2001 Examiner: _____

Enclosed Are:

☐ **PATENT APPLICATION**

____ New Application Transmittal
____ Fee Transmittal (in duplicate)
____ Application Data Sheet
____ Declaration & Power Of Attorney _____ pgs.
____ Pgs. of Claims
____ Sheet(s) of Drawing(s)
____ Formal _____ Informal
____ Continuation or Division

☐ **ASSIGNMENT** _____ pgs.

____ Transmittal(s)
____ Original _____ Copies

☐ **INFORMATION DISCLOSURE**

____ PTO-1449 _____ Refs.

☐ **AMENDMENT** _____

in Response to Paper No. _____

Priority Documents _____ listed below

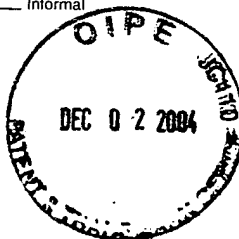
Other Request for Refund;
copy of Utility Transmittal;
copy of April 30, 2004 Response;
copy of RCE filed June 21, 2004;
copy of Filing receipt

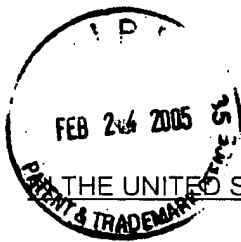
CHECK(S) IN THE AMOUNT(S) OF

\$ _____ \$ _____

Client Code HVK Doc. No. 32759451
Int. JPM/SC Date 11/29/04

ACKNOWLEDGES RECEIPT OF:





THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Michael A. Bass
Title: SIGN AND METHOD FOR MARKETING GOODS AND SERVICES
Serial No.: 09/855,062
Filing Date: May 14, 2001
Docket: 32759US1

LETTER REQUESTING REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

When this application was filed, small entity status was claimed (see enclosed copy of Utility Patent Application Transmittal). When the filing receipt was issued (copy enclosed) it listed this application as a small entity application. Via a paper filed April 30, 2004 (copy enclosed) applicant again claimed small entity status. Therefore, when applicant filed a Request for Continued Examination (RCE) (copy enclosed) via fax on June 21, 2004 and requested that the RCE fee be charged to our deposit account, the PTO should have charged the \$385 small entity RCE fee to our deposit account. However, through an error, the PTO charged the \$770 large entity RCE fee to our deposit account instead of the \$385 small entity RCE fee.

Accordingly, applicant requests that the PTO refund the excess \$385 fee back to our Deposit Account No. 16-0820 as soon as possible. If you need more information, please contact the undersigned.

Respectfully submitted,

PEARNE & GORDON LLP

By John P. Murtaugh
John P. Murtaugh, Reg. No. 34226

1801 East 9th Street, Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-7700

Date: 11-29-04

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

John P. Murtaugh
Name of Attorney for Applicant(s)

11-29-04
Date

John P. Murtaugh
Signature of Attorney

THIS LETTER REQUESTING
REFUND IS BEING CANCELLED
BY APPLICANT'S
ATTORNEY